

- Claims 1–5 and 21–31 were rejected on grounds of nonstatutory double patenting over U.S. Patent Nos. 6,915,430 and 6,892,302 and copending U.S. Patent Application Nos. 10/248,626 and 10/248,629;
- Claims 1 and 24–29 were rejected under 35 U.S.C. § 112, second paragraph;
- Claims 1, 4–5, 21, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,422,953 issued to *Fischer*;
- Claims 2–3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of U.S. Patent No. 6,230,269 issued to *Spies, et al.*;
- Claims 22–24 and 27–28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of U.S. Patent No. 6,233,577 issued to *Ramasubramani et al.*;
- Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of *Schneier*; and
- Claims 29–31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of *Menezes*.

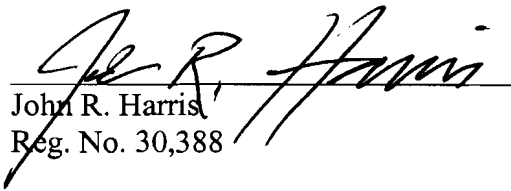
The Applicants submitted a Notice of Appeal and a Pre-Appeal Brief Request for Review on May 22, 2006. The Panel responded on June 13, 2006 to the Applicants' Pre-Appeal Brief Request for Review maintaining the rejections of claims 1–5 and 21–31 and stating that the application remains under appeal. The Applicants submitted an Amendment under 37 C.F.R. § 1.116 on August 18, 2006, to remove certain minor claim wording issues from the appeal. The Applicants filed an Appeal Brief with the Board of Patent Appeals and Interferences (“BPAI”) on August 21, 2006. The Examiner mailed an Advisory Action on August 28, 2006 refusing to enter the presented Rule 116 amendments because allegedly “they raise new issues that would require further consideration and/or search.” On September 28, 2006, the Examiner mailed a Notification of Non-Compliant Appeal Brief because, *inter alia*, the appealed claims in the appendix to the Appeal Brief were in a form that was not entered for the purposes of appeal.

Per the Notification of Non-Compliant Appeal Brief, the Examiner stated that the Applicants can “attempt to overcome the 35 U.S.C. § 112 rejections by submitting another after final.” The present amendment is submitted under Rule 116 in response to the Examiner's rejections under 35 U.S.C. § 112, second paragraph in order to remove these issues from the appeal. The Applicants will address the Examiner's remaining rejections in the Appeal Brief. The Applicants submit that the current amendments go to the form of the claims and do not affect the substantive merits of the application.

It is believed that the entry of this Amendment will place the claims in better form for consideration on appeal and raise no new issues not previously considered by the examiner. Entry of this Amendment and reconsideration of the 35 U.S.C. § 112 rejections is therefore respectfully requested. If the Examiner believes that a telephone conference with the Applicant's attorneys would be advantageous to the disposition of this case then the Examiner is encouraged to telephone the undersigned at 404 504 7720.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

  
John R. Harris  
Reg. No. 30,388

MORRIS, MANNING & MARTIN, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, GA 30326  
(404) 233-7000  
(404) 365-9532 - fax  
[jrh@mmmlaw.com](mailto:jrh@mmmlaw.com)  
Dated: October 18, 2006

Docket No. 10399-34384